

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bell *et al.*

Confirmation No.: 7498

Appl. No. 10/743,649

Art Unit: 1645

Filed: December 23, 2003

Examiner: R. Zeman

For: **ONCOLYTIC VIRUS**

Atty. Docket: 1800-D2

Cust. No. 31976

Declaration Under 37 CFR § 1.131

We, John C. Bell, David F. Stojdl, Harold L. Atkins and Brian D. Lichty, do hereby declare and state:

1. We are the inventors of the subject matter described in the above identified utility patent application as claimed in all of the claims 1, 3, 7, 9-15, and 17-20, as amended by the Amendment as submitted herewith.

2. The subject matter of claims 1, 3, 7, 9-15, 17-20, as submitted herewith, was conceived and reduced to practice by us before September 16, 1999. As evidence of this fact, attached hereto as Exhibit 1 are copies of laboratory notebook pages showing the use of this invention. The dates have been redacted on these copies.

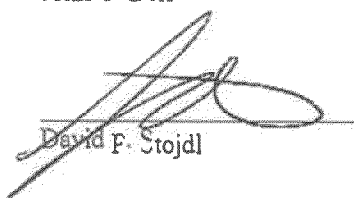
3. The experiment described in Exhibit 1, was performed in Canada.

4. Exhibit 1 shows an experiment comparing administration of VSV virus or cells infected with the VSV virus to melanoma tumor cells in a mouse. For example, the first page of Exhibit 1 in the upper left section shows a diagram depicting administration of “infected cells” or “purified virus” to tumor cells in a mouse.

5. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.

John C. Bell

Date



David F. Stojdl

Jan 3, 2008
Date

Harold L. Atkins

Date

Brian D. Lichty

Date

5. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.

John C. Bell

Date

David F. Stojdl

Date

Harold L. Atkins

Date



Brian D. Lichty

Decem,ber 19, 2007

Date

5. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.

John C. Bell

Date

David F. Stojdl

Date



Harold L. Atkins

21 Dec 2007

Date

Brian D. Lichty

Date

5. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.



John C. Bell

Date

David F. Stojdl

Date

Harold L. Atkins

Date

Brian D. Lichty

Date

Exhibit 1

NAME	EXP. NO.	ASSAY	DATE
PURPOSE			NOTES
<p>REDACTED</p>			<p>26</p>
<p>Int'l Cells</p> <p>Red Batt</p> <p>75</p> <p>25</p> <p>5000/50ul</p>		<p>Purified Virus</p> <p>Bags</p> <p>10 ul</p> <p>5x10⁶/ul</p>	
<p>① 4.2 x 4.9 20.6</p> <p>② 5.7 x 5.7 32.5</p> <p>③ 6.6 x 6.6 43.6</p> <p>④ 5.2 x 5.2 27</p>		<p>both animals receive 1x10⁵ units of Int'l A IP as a prophylactic</p>	
<p>⑤ 10.9 x 10.9 118.8</p> <p>⑥ 9.4 x 9.7 96</p> <p>⑦ 5.2 x 5.5 28.6</p> <p>⑧ 5.1 x 5.1 26</p> <p>① 6.9 x 7.0 48.3</p> <p>② 5.4 x 4.4 23.8</p> <p>③ 4.6 x 6.3 29.0</p>		<p>④ 6.4 x 6.3 40.3</p> <p>① 6.8 x 6.8 46.2</p> <p>② 2.7 x 3.1 (or less) 8.4</p> <p>④ none</p> <p>⑤ 10.7 x 10.7 114.5</p> <p>⑥ 11.6 x 11.6 134.6</p> <p>⑦ 4.5 x 4.5 20.3</p> <p>⑧ 6.7 x 6.7 44.9</p>	
SIGNATURE			

NOTE: INSERT COVER UNDER YELLOW SHEET BEFORE WRITING

COLD SPRING HARBOR LABORATORY RESEARCH NOTEBOOK
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NAME	EXP. NO.	ASSAY	DATE
PURPOSE			NOTES
REDACTED			
Cage α			
7795			
7596			
7594			
7593			
7595			
Cage β			
7793			
7786			
7787			
7788			
7794			
Cage γ			
7586			
7587			
7588			
7589			
7590			
All infected ~ [REDACTED]			
Cage 26		WT	28
IFN 1×10^5 units		same pos	WT
5×10^4 USV IN			5×10^4 USV IN
27		WT [IFN 1×10^5 u IP]	
		5×10^4 USV IN	
24		PER-1	
IFN 1×10^5 units		same pos	
5×10^4 USV IN			
25		USV IN 1×10^4	
Cage 2		PER-1	
29		WT	
5×10^4 USV			
30		IFN 1×10^5 units ; USV 5×10^4	
		Cage γ	
SIGNATURE			

NOTE: INSERT COVER UNDER YELLOW SHEET BEFORE WRITING

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